

## ORDINANCE 14 – 03 ALARM ORDINANCE

**AN ORDINANCE OF THE CITY OF ROSWELL REGULATING ALARM USE; REQUIRING ALARM REGISTRATION; CREATING AN ALARM ADMINISTRATOR; ESTABLISHING DUTIES OF ALARM COMPANIES AND ALARM USERS; REQUIRING ALARM MAINTENANCE; ESTABLISHING PENALTIES, SUSPENSION, APPEAL AND REINSTATEMENT. (AMENDING ORDINANCE NO. 01-4 AND 02-12.)**

**WHEREAS**, the Roswell Police Department is requested to each year answer thousands of alarms calls from residences and businesses, and;

**WHEREAS**, the vast majority of these calls are false alarms, and;

**WHEREAS**, false alarm calls remove patrol officers from their duties.

**NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:**

1. Sections 7-130 through 7-144 are added to the Roswell City Code as follows:

### ARTICLE X ALARMS

#### Section 7-130. Purpose and Scope

**This ordinance authorizes the Roswell Police Chief to create a program to govern burglary, panic, duress and robbery alarm systems; require permits, establish fees, provide for restricted response to alarm sites, and provide for fines for violations. The purpose of this ordinance is to encourage alarm users and alarm companies to properly use and maintain the operational effectiveness and proper utilization of alarm systems and to reduce false alarms which may unduly divert police officers from their law enforcement duties.**

#### Section 7-131. Definitions

In this ordinance:

(1) *Alarm Administrator* means a person or persons designated by the Roswell Police Chief to administer, control and review false alarm reduction efforts and administer this ordinance.

(2) *Alarm Dispatch Request* means a request to the Roswell Police Department to respond to and investigate a burglar, panic, duress or robbery alarm activation at a particular Alarm Site.

(3) *Alarm Installation or Servicing Company* means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in an alarm site. This definition shall also include individuals or businesses that install and service the alarm systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (i.e. "do-it-yourselfers").

(4) *Alarm Monitoring* means the process by which an alarm monitoring company receives signals from an alarm system and relays an alarm dispatch request to the Roswell Police Department for the purpose of summoning public safety to the alarm site.

(5) *Alarm Monitoring Company* means a person in the business of providing alarm monitoring services.

(6) *Alarm Response Manager (ARM)* or Customer Care/Police Coordinator means a person designated by an Alarm Installation Company to handle alarm issues for the company and act as the primary point of contact for the jurisdiction's Alarm Administrator.



(7) *Alarm Registration* (or Police Response Permit) means the authorization granted by the Alarm Administrator to the Alarm User to operate an alarm system and the authorization to the Alarm User to request police dispatch to an alarm site to investigate an alarm activation.

(8) *Alarm Site* means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-tenant building or complex, shall be considered a separate alarm site.

(9) *Alarm System* means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon public safety response. Alarm system does not include an alarm installed in a motor vehicle or a boat unless the motor vehicle or boat is permanently located at a site or the alarm activation is relayed to an alarm monitoring company.

(10) *Alarm User* means any person, firm, partnership, corporation or other entity that occupies an alarm site and uses or is in primary control of the operation of the alarm system at the alarm site to include the responsibility of family members, guests, employees and work crews with access to the alarm site. In the case of a residential, business or government rental property, the tenant is considered the alarm user.

(11) *ANSI/SIA Control Panel Standard CP-01* means the ANSI – American National Standard Institute approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for Alarm System control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state “Design evaluated in accordance with SIA-CP-01 Control Panel Standard Standard Features for False Alarm Reduction.”

(12) *Automatic Voice Dialer* means any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a public safety or emergency services agency requesting dispatch.

(13) *Cancellation* means the process where police response to an activated alarm is terminated by an alarm monitoring company for the alarm site by notifying the Roswell Police Department that there is not an existing situation at the alarm site requiring public safety response.

(14) *Duress Alarm* means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires public safety response.

(15) *Enhanced Call Verification (ECV)* is a monitoring procedure requiring that an alarm or monitoring service make a minimum of two telephone calls to the alarm user or a representative prior to making an alarm dispatch request in an attempt to verify that the police should be dispatched. The two calls must be made to different phone numbers, if available, where an alarm user can typically be reached. Enhanced Call Verification procedures will apply only to burglar alarm activations and not to panic, hold-up or other user-activated alarms or in cases where a crime-in-progress has been verified by real-time audio or video surveillance of an alarm site by the alarm monitoring company.

(16) *False Alarm* means a burglar, panic, duress or robbery alarm activation, local or monitored, investigated by the Roswell Police Department where the responding officer finds no evidence of a criminal offense, attempted criminal offense or other emergency after having completed a timely investigation of the alarm site. A false alarm does not include an alarm signal caused by extraordinary violent conditions of nature.

(17) *Holdup/Robbery Alarm* means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.



(18) *Keyholder* means an individual capable of reaching and having access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

(19) *Local Alarm System* means any alarm system, which is not monitored, that annunciates an alarm only at the alarm site.

(20) *One Plus Duress Alarm* means the manual activation of a silent alarm signal by entering a code at an arming station that adds one to the last digit of the normal arm/disarm code.

(21) *Panic alarm* means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring public safety response.

(22) *Person* means an individual, corporation, partnership, association, organization or similar entity.

(23) *Restricted Response* means that police response to burglar alarms at a specified Alarm Site will not be made due to excessive false alarms or other violation of the alarm ordinance. Police response will continue to be made to all duress, panic and robbery alarms and to burglar alarms where it have been verified by an eye-witness, or through the monitoring of visual or audio devices that a crime is being or has been committed.

(24) *Unregistered Alarm Site* means a site that has not complied with a jurisdiction's registration requirements as defined in the alarm ordinance.

(25) *Verify* means an attempt, by the alarm monitoring company, to determine the validity of an alarm signal prior to initiating an Alarm Dispatch Request..

(26) *Zones* means the capability of an alarm system to report alarm activations by area.

#### **Section 7-132. Registration**

(1) **Registration Required:** No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm registration. A separate registration is required for each alarm site.

(2) **Registration Term:** Alarm registrations are valid for one year after the registration date. The alarm administrator shall notify each alarm user of the need to renew at least thirty (30) days prior to the expiration of the registration. It is the responsibility of the Alarm User to renew the registration prior to expiration date. Failure to renew will be classified as use of a non-registered alarm system and citations and penalties shall be assessed.

(3) **Application:** The Police Response Permit shall be requested on an application form provided by the Alarm Administrator. The alarm user has the duty to obtain an application from the Alarm Administrator.

(4) **Transfer of Possession:** When the possession of the alarm site is transferred, the alarm user obtaining possession of the alarm site shall file an application for an alarm registration within thirty (30) days of obtaining possession of the alarm site. Alarm registrations are not transferable.

(5) **Reporting Updated Information:** Whenever the information provided on the alarm registration application changes, the alarm user shall provide correct information to the Alarm Administrator within thirty (30) days of the change. In addition, each year after the issuance of the Police Response Permit, Police Response Permit holders will receive from the Alarm Administrator a form requesting updated information. The Police Response Permit holder shall complete and return this form to the Alarm Administrator when any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.

(6) **Initial Alarm Registration Fee:** The fee for an initial alarm is \$25.00 and shall be paid by the alarm user. No refund of a registration will be made. The initial annual registration fee must be



submitted to the alarm administrator within thirty (30) days after the alarm installation or alarm system takeover. Residential alarmed sites occupied by an individual 62 years old or older will have the registration fee waived. This waiver applies to senior residential sites and not business sites. Alarm sites occupied by a municipal, county, state or federal government agency will have the initial registration waived. Senior alarm sites and government alarm sites are still subject to false alarm fines.

(7) **Renewal Alarm Registration Fee:** The fee for an alarm registration renewal is \$25.00 and shall be paid by the alarm user. The fee for a renewal of an alarm site that has had no charged false alarm police responses during the registration's previous twelve (12) month registration shall be waived. No refund of a registration or registration renewal fee will be made. Residential alarm sites occupied by an individual 62 years old or older will have the registration renewal fee waived. Alarm sites occupied by a municipal, county, state or federal government agency will have the renewal fee waived.

#### **Section 7-133. Registration required to operate an alarm business**

(a) It is unlawful for any person, partnership, corporation or association to own, manage, conduct or carry on the business of selling, leasing, installing, servicing, maintaining, repairing, replacing, moving or removing, or causing to be sold, leased, installed, serviced, maintained, repaired, replaced, moved or removed in or on any building or other property within the city any device known as an intrusion or physical duress alarm system, or automatic dialing device connected to an answering service, unless they possess a valid license issued by the Construction Industries Division of the Regulation and Licensing Department of the State of New Mexico and a City of Roswell business license. Licenses must be presented to the Chief of Police or his designee representative upon request.

#### **Section 7-134. Alarm systems in Tenant Residential, Business and Government Units**

(a) A tenant with an alarm system shall obtain an alarm registration from the alarm administrator before operating or causing the operation of an alarm system in the tenant's residential, business or government unit. The owner or property manager of a rented complex shall obtain a separate alarm registration for any alarm system operated in the owner's or manager's offices or common areas of the complex.

(b) For purposes of enforcing this article against an individual residential, business or government unit, the tenant is considered as the alarm user and is responsible for obtaining the alarm permit, submitting the permit fees and fines, assuming responsibility for all employees, guests, family members and work crews with access to the alarm site. Each individual alarmed residential, business or government unit within a building shall be considered a separate alarm site.

#### **Section 7-135. Duties of the alarm user**

##### **An alarm user shall:**

(1) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.

(2) Respond or cause a representative who has access to an alarm site to respond to the alarm system's location within 30 minutes when notified by the Police Department.

(3) Obtain a new Police Response Permit and pay any associated fees if there is a change in ownership of a business or residence.

(4) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

(5) Adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than ten (10) minutes after being activated.

(6) Have a licensed alarm installation or servicing company inspect the alarm system after two (2) false alarms in a one (1) year period. The alarm administrator may waive an required inspection if it determines that a false alarm(s) could not have been related to a defect or malfunction in the alarm system. After four (4) false alarms within a one (1) year period, the alarm user must have a licensed alarm installation or servicing company modify the alarm system to be more false alarm resistant, if required, and/or provide additional user training as appropriate.

(7) Not use automatic voice dialers.

(8) Maintain a set of written operating instructions for each alarm system at each alarm site.

(9) Inform their alarm installation or servicing company of any change that alters any of the information listed in their paperwork with the alarm installation or servicing company within five (5) business days of such change.

(10) Notify their alarm installation or servicing company, alarm monitoring company and the alarm administrator within five (5) business days if the alarm system is disconnected or terminated, or if the contracted alarm user or business moves or the alarm site is sold.

(11) The alarm user will require that their alarm and monitoring company utilize Enhanced Call Verification, where prior to requesting a police dispatch to an activated burglar alarm, the alarm or monitoring company will make a minimum of two (2) telephone calls at two different telephones, when available to the alarm user in an attempt to verify that the police should be dispatched. Enhanced Call Verification procedures will apply only to burglar alarm activations and not to panic, hold-up or any other user-activated alarms or in cases where a crime-in-progress has been verified by a real-time audio or video surveillance of the alarm site by the alarm monitoring company.

(12) This section also applies to all individuals and businesses, who have installed and /or monitor their own alarm system.

#### **Section 7-136. Duties of alarm installation, servicing and monitoring company**

##### **Each Alarm Installation, Servicing or Monitoring Company shall:**

(1) maintain a license as required by the locality and state. Furnish license numbers to the Alarm Administrator on request.

(2) connect and program the detectors in the Alarm System to report detailed zone and detector information on the type and location of each device

(3) take reasonable measures to prevent the occurrence of False Alarms.

(4) provide written and oral instructions to each of its Alarm Users in the proper use and operation of their Alarm Systems. Such instructions will specifically include all instructions necessary to turn the Alarm System on and off (arm and disarm) and how to cancel an alarm.

(5) be available to maintain the Alarm System in good working order

(6) provide written information on how to obtain service from the Alarm Installation, Servicing or Monitoring Company for the Alarm System.

(7) use only ANSI/SIA CP-01 listed alarm control panels on all new installations and panel replacements or upgrades

(8) ensure that all Alarm Users of Alarm Systems equipped with a duress, holdup, robbery or panic alarm are given adequate training.

(9) provide new customers with a summarized copy of this ordinance and an Alarm User registration application.



- (10) notify the Alarm Administrator if it takes over responsibility for Alarm System accounts from another person and provide details as may be reasonable requested the Alarm Administrator.
- (11) designate an Alarm Response Manager (ARM) for the company to manage alarm related issues and act as the point of contact for the Alarm Administrator. The ARM must be knowledgeable of the general provisions of the ordinance as well as have the knowledge and authority to deal with False Alarm issues and respond to requests from the Alarms Administrator. The name, phone number and email address of the ARM must be provided to the Alarm Administrator and updated on an annual basis or whereupon the designated ARM changes.
- (12) provide the Alarm Administrator with a customer list in a format acceptable to the Alarm Administrator upon request to assist the Alarm Administrator with creating tracking data.
- (13) not use Automatic Voice Dialers.
- (14) not program Alarm Systems so that they are capable of sending one plus duress alarms. The Alarm Installation or Servicing Company shall remove the one plus duress feature from Alarm Systems whenever and alarm technician is at the Alarm Site.
- (15) not install a device to activate a holdup, robbery, duress or panic alarm which is a single action non-recessed button.
- (16) notify the Alarm Monitoring Company (if separate from the alarm Installation or Servicing Company) if it takes over responsibility for Alarm System accounts from another Person or Company.
- (17) notify their alarm monitoring company of an alarm system account termination within 5 days of termination/cancellation.
- (18) offer the alarm user the use of a seven (7) day training period in which the alarm user will adequately train in the proper use of the alarm system. No request for dispatch by the Alarm Company or Alarm Monitoring Company will be made during this training period for a burglar alarm signal. Police Dispatch requests will be made during the training period for panic, duress and holdup signals.
- (19) communicate Alarm Dispatch Requests and cancellations using public safety telephone numbers designated by the Alarm Administrator.
- (20) utilize Enhanced Call Verification for burglar alarms.
- (21) communicate any available information related to the Alarm Dispatch Request including
- a. Alarm User registration number
  - b. nature of the alarm (i.e.: fire, burglary, robbery, panic, duress, silent or audible).
  - c. specific location of all alarm signals (interior or perimeter, north, front, etc.)
  - d. advise that the Alarm User or the Keyholder is on the way to the alarm Site with the estimated time of arrival and description of the vehicle.
  - e. Alarm Monitoring Company operator name, Identification number, and call back telephone number.
- (22) contact the Alarm User or Keyholder within 24 hours via mail, fax, telephone or other electronic means when an Alarm Dispatch Request is made.
- (23) maintain for a period of at least one (1) year from the date of the Alarm Dispatch Request, records relating to the Alarm Dispatch Request. Records must include the name, address and telephone number of the Alarm User, the Alarm System Zone(s) activated, the time of Alarm Dispatch Request and

evidence of an attempt to Verify. The Alarm Administrator may request copies of such records for individually named alarm Users. If the request is made within sixty (60) days of an Alarm Dispatch Request, the Alarm Monitoring Company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an Alarm Dispatch Request, the Alarm Monitoring Company shall furnish the requested records within thirty (30) days of receiving the request.

(24) An Alarm Company or Monitoring Company shall not make an Alarm Dispatch Request to the Roswell Police to a location that has been placed on Restricted Response status without verifying that a crime is being or has been committed.

#### **Section 7-137. Duties of the alarm administrator**

(a) The alarm administrator **shall**:

(1) Designate a manner, form and telephone numbers for the communication of alarm dispatch requests;

(2) Establish a procedure to accept cancellation of alarm dispatch requests;

(3) Establish a procedure to record such information on alarm dispatch requests necessary to permit the alarm administrator to maintain records.,

(4) Establish a procedure for the notification to the alarm user of a false alarm.

(5) Make a copy of this ordinance and/or an ordinance summary sheet available to the alarm user.

(6) Upon receipt of a completed alarm registration application form and the alarm registration fee, the alarm administrator shall register the applicant unless the applicant has failed to pay a fine or fee assessed under this ordinance; or had the alarm site placed under Restricted Response and the violation causing the Restricted Response status has not been corrected.

(7) Notify the alarm user in writing after each billable false alarm. The notification shall include the amount of the fine for the false alarm, the fact that the alarm site will be placed on Restricted Response with the eighth false alarm and a description of the appeals procedure available to the alarm user.

(8) Notify the alarm user and the alarm company or alarm monitoring company in writing at least ten (10) days before the alarm site is to be placed on Restricted Response status. This notice of Restricted Response will also include the amount of the fine for each false alarm and a description of the appeals procedure available to the alarm user and the alarm company or alarm monitoring company.

(9) The alarm administrator has the authority to waive any fines and fees, change the alarm permit status and delete false alarm records from alarm permits.

(b) The Alarm Administrator **may**:

(1) require a conference with an alarm user and the alarm installation company and/or the alarm monitoring company responsible for the repair or monitoring of the alarm system to review the circumstances of each false alarm.

(2) create and implement an alarm user awareness class. The alarm administrator may request the assistance of associations, alarm companies and public safety agencies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and teach alarm users how to avoid causing false alarms.



(3) require an alarm user to remove or replace a holdup alarm device that is a single action, non-recessed button, with an acceptable dual-action or recessed device after the occurrence of a false hold up alarm.

(4) require an alarm user to remove the duress or panic alarm capability from their alarm system after the occurrence of a false alarm.

(5) require an alarm user to upgrade their alarm system or change the manner in which dispatches are requested in order to reduce false alarms

#### **Section 7-138. Enforcement**

(a) **Notice of the right of appeal under this ordinance shall be included with any fines.**

(b) **User Fines:**

(1) It is hereby found and determined that three (3) or more false alarms within an alarm site's twelve (12) month registration period is excessive, constitutes a public nuisance and shall be unlawful.

(2) Civil penalties for false alarms within an alarm site's twelve (12) month registration period may be assessed against an alarm user as follows:

- |    |   |   |
|----|---|---|
| a. | first and second false alarms.....  | No fine   |
| b. | third false alarm.....  | \$50.00   |
| c. | fourth, fifth, sixth and seventh false alarms..   | \$100.00 per false alarm                                      |
| d. | eighth false alarm .....<br>placed on Restricted Response.  | \$100.00 per false alarm and                                  |
| e. | ninth and over false alarm (if reinstated) .....  | \$500.00 per false alarm and<br>placed on Restricted Response |
| f. | false alarm at an unregistered alarm site..<br>placed on Restricted Response after thirty (30) days from the alarm response date. | \$50.00 per false alarm and                                   |

(3) If cancellation of an Alarm Dispatch Request occurs prior to the Police arriving at the alarm site, no false alarm will be assessed.

(4) The \$50.00 fine for a false alarm at an unregistered alarm site may be waived by the Alarm Administrator if the Alarm User obtains a permit within thirty (30) days of the false alarm.

(c) **Alarm Monitoring Company:**

(1) An alarm monitoring company shall be issued a fine of \$ 250.00 for requesting a police dispatch to an alarm site that has been placed on Restricted Response and the alarm monitoring company did not obtain verification that a crime is being or has been committed. The alarm administrator will notify the monitoring company when the alarm site is placed on Restricted Response.

(d) **Restricted Response:**

(1) The alarm administrator may place an alarm site on Restricted Response status if it is determined that:

- a. the alarm user has eight (8) or more false alarms during the alarm site's twelve (12) month registration period;



- b. there is a statement of a material fact known to be false in the application for a registration;
  - c. the alarm user has failed to make payment after ninety (90) days of a fine or fee assessed under this ordinance;
  - d. the alarm user has failed to submit a written certification from an alarm installation or servicing company, that complies with the requirements of this article, stating that the alarm system has been inspected and repaired (if necessary) and/or additional training has been conducted by the alarm installation or servicing company;
  - e. the alarm user has refused to comply with the registration requirement thirty (30) days after being notified by the alarm administrator of the requirement.
- (2) Unless there is verification through an eye-witness or audio or visual monitoring that a crime has been or is being committed at the alarm site, the Roswell Police Department will refuse response to an alarm site that has been placed on Restricted Response.
- (3) The Restricted Response status will remain in effect until the alarm user eliminates the problem of excessive false alarms at the alarm site, pays any outstanding fees and fines or corrects any violation of this ordinance.
- (4) If the alarm site is reinstated from Restricted Response pursuant to this ordinance, the alarm administrator may again place the alarm site on Restricted Response if it is determined that false alarms are continuing at the alarm site.
- (5) A police supervisor may refuse law enforcement response to an alarm site during the duration of the supervisor's shift when there has been two (2) or more police dispatch requests to the alarm site in a twenty-four hour period and the alarm user cannot be contacted to take corrective action.

#### **Section 7- 139. Appeals**

- (a) If the alarm administrator assesses a fine or denies the issuance, renewal or reinstatement of an alarm registration, the alarm administrator shall send written notice of the action and a statement of the right to an appeal to the alarm user and the alarm installation or servicing company and/or alarm monitoring company.
- (b) The alarm user, alarm installation or servicing company or alarm monitoring company may appeal an assessment of a fine or the revocation of an alarm registration to the alarm administrator by setting forth in writing the reasons for the appeal within twenty (20) business days after notice of the fine or of revocation.
- (c) The alarm user or the alarm installation or servicing company or alarm monitoring company may appeal the decision of the alarm administrator to the Roswell Police Department Chief of Police as follows:
  - (1) the first level of appeal is for the affected alarm user, alarm installation or servicing company or alarm monitoring company to contact the alarms administrator to discuss the grievance. The affected party will inform the alarms administrator the reasons he or she disagrees with the initial decision of the alarms administrator. The alarms administrator may affirm, modify or reverse the initial decision based on the affected party's information. The alarms administrator has the authority to waive any fines and fees, change the alarm permit status and delete false alarm records from alarm permits.
  - (2) if the affected party is not satisfied with the decision of the alarms administrator, the applicant may file a written request for a review by the Roswell Police Department Chief of Police through the Alarms Administration Office by paying an appeal fee of \$ 25.00 and setting forth the reasons for the appeal within twenty (20) business days after the date of notification of the decision from the alarm administrator.

- (3) the Chief of Police or his designee shall conduct a review within thirty (30) days of the receipt of the request and consider the evidence by any interested Person(s).
  - (4) the Chief of Police or his designee shall make a decision based on the evidence presented at the hearing.
  - (5) the Chief of Police or his designee must render a decision within ten (10) days after the date of the hearing. The Chief of Police or his designee will affirm, modify or reverse the decision of the alarm administrator.
- (d) Filing of a request for appeal shall stay the action by the alarm administrator until the Chief of Police or his designee has completed its review. If a request for appeal is not made within the twenty (20) business day period, the action of the Alarm Administrator is final.
- (e) alarm administrator or the Chief of Police may adjust the count of false alarms based on:
- (1) evidence that a False Alarm was caused by severe weather conditions.
  - (2) evidence that a false alarm was caused by a power outage lasting longer than four (4) hours;
  - (3) evidence that the alarm dispatch request was not a false alarm;
  - (4) malicious causes beyond the control of the alarm user;
  - (5) in determining the number of false alarms, multiple alarms occurring in any twenty-four (24) hour period shall be counted as one false alarm; to allow the alarm user time to take corrective action unless the false alarms are directly caused by the alarm user.

#### **Section 7-140. Reinstatement**

- (a) A person whose alarm registration has been placed on Restricted Response status may, at the discretion of the alarm administrator, have the alarm registration reinstated if the person:
- (1) pays, or otherwise resolves, all outstanding citations and fines; and
  - (2) provides satisfactory evidence to the alarm administrator that the alarm system has been inspected and repaired (if necessary) by the alarm installation or servicing company; and/or that additional training in the proper use of the alarm system has been provided by the alarm installation or servicing company for all alarm users.
- (b) In addition, the alarm administrator may require one or more of the following as a condition to reinstatement:
- (1) proof that an employee of the alarm installation or servicing company or alarm monitoring company caused the false alarm;
  - (2) a certificate showing that the alarm user has successfully completed the alarm user awareness class;
  - (3) evidence that the alarm control panel has been upgraded to meet ANSI/SIA Control Panel Standard CP01;
  - (4) a written statement from an independent inspector designated by the alarm administrator that the alarm system has been inspected and is in good working order;
  - (5) confirmation that all motion detectors are "dual technology" type;



- (6) confirmation that the alarm monitoring company will not make an alarm dispatch request unless the need for public safety is confirmed by audio or video verification;
- (7) confirmation that the alarm monitoring company will not make an alarm dispatch request unless the need for public safety is confirmed by a person at the alarm site.

#### **Section 7 – 141. Confidentiality**

In the interest of public safety, all information contained in and gathered through the alarm registration applications, records relating to alarm dispatch requests, and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information.

#### **Section 7 – 142. Government Immunity**

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that public safety response may be influenced by factors such as: the availability of public safety units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

#### **Section 7 – 143. Repealer**

All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such conflict or inconsistency. This repealer shall not be considered to revive any ordinance or part of any ordinance heretofore repealed

#### **Section 7 – 144. Severability**

The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

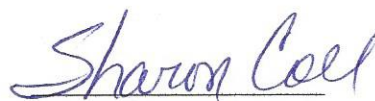
This Ordinance shall take effect immediately.

Passed, adopted, signed and approved this 9th day of October, 2014.

  
Dennis Kintigh, Mayor



ATTEST:

  
Sharon Coll, City Clerk